IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 561 of 2007(P)

PETITIONERS:
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1. LALITHA, D/O.KAMALAMMA,
PUTHUVAL PUTHEN VEEDU, MUTTATHARA,
THIRUVANANTHAPURAM, NOW RESIDING AT
T.C.43/1110, VADUVATHU, MUTTATHARA,
VALLAKADAVU P.O.

2. ABEEDA BEEVI, D/O.KHADEEJA BEEBI,
T.C.35/720, N.S.DIPPO, VALLAKADAVU P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENT:

THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM DISTRICT,
COLLECTORATE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.561 OF 2007

DATED THIS THE 12th DAY OF FEBRUARY, 2007

JUDGMENT

This petition is filed under Article 226 of Constitution of India for a writ of mandamus directing respondent to take action on Exts.P3 and P5 applications filed by petitioners under Section 28A of Land Acquisition Act. Case of petitioners is that for properties adjacent to their property acquired from them, Land Acquisition Court awarded enhanced compensation as per judgment in L.A.R.4/2000 and therefore petitioners are also entitled to get enhanced compensation as provided under Section 28A and in spite of Exts.P3 and P5 applications filed by them on 17.6.06 and 26.6.06, no orders were passed and therefore respondent has to be directed to pass appropriate order in accordance with law within a time frame.

2. Learned Government Pleader submitted that judgment in L.A.R.4/2000 is challenged before this Court and before the disposal of the appeal, it is not possible to pass order under Section 28A of Land Acquisition Act, as the compensation if any to be enhanced would depend upon the final decision.

In such circumstances, respondent is directed to dispose of

Exts.p3 and P5 applications immediately after the disposal of the appeal, challenging the judgment in L.A.R.4/2000.

M.SASIDHARAN NAMBIAR,JUDGE

Acd